

## Introduction

## The Law Prohibits Importation of Merchandise Produced with Forced or Indentured Child Labor

Forced or indentured child labor under penal sanction (hereinafter indentured child labor) is a serious issue for the trading community. Importation of products made with forced or indentured child labor is prohibited by law.

Studies by the U.S. Department of Labor indicate that child labor is endemic in much of the developing world, and can be found in many industries, for example, hand-knotted carpets, apparel, footwear, brassware, silk, glassware, bricks, furniture, food-processing, gem polishing, leather tanning, and small-scale mining.

Some of the industries are hazardous, such as production of fireworks and matches, glass blowing, and mining. Others often expose children to pollutants, pesticides and herbicides, and other health risks.

The industries noted are the primary export industries employing child labor. While child labor involved in these industries is not necessarily forced or indentured, businesses seeking to import these kinds of products need to be aware that child labor is most commonly found in these products, and to take appropriate steps to make sure that the goods they seek to import are not in fact made with prohibited forced or indentured child labor.

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Section 307 of the Tariff Act of 1930 (19 U.S. Code §1307) prohibits the importation of merchandise produced in whole or in part with prison labor, forced labor, or indentured labor under penal sanction.

The law applies to goods produced by convict labor, forced labor, or indentured labor under penal sanctions performed *by a person of any age*. It was recently amended to make explicit that forced labor or indentured labor *includes forced or indentured child labor*.

The law applies to merchandise produced “wholly or in part” with prohibited labor. For example, goods produced in a factory that does not employ prohibited child labor would nonetheless not be eligible for import into the United States if the factory relied on supplies made with forced or indentured child labor.

It should be noted that Section 307 does not apply to all child labor, only to forced or indentured child labor. Thus, Section 307 does not prohibit importing products of child labor simply because a child is under the legal age for employment. Moreover, working because of extreme economic pressure, is not necessarily “forced

labor.”

**The U.S. Customs Service enforces Section 307 and related regulations. Under Section 307, Customs excludes from entry into the commerce of the United States any goods that it has reason to believe were mined, produced, or manufactured with forced or indentured child labor in a foreign country. A list of detention orders affecting such goods is available on the Customs website.**

## Red Flags

Certain working conditions are often “red flags,” indicating forced child labor. Examples include:

Confinement in a locked and/or guarded facility

Physical force or abuse to keep the child at the workplace

Employment to discharge debt

Payments made to a party other than the worker

Financial penalties for absenteeism, production errors, or refusal to work overtime

Evidence of physical abuse of child workers

Employment of very young children

Children who need immediate medical care

Children working without an adult family member



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